IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Wes Blevins,   :

        Plaintiff,   :

    v.   :   Case No. 2:08-cv-1113

County of Franklin, Ohio,
    et al.,   :   JUDGE SARGUS

        Defendants.   :

REPORT AND RECOMMENDATION

Two of the defendants, the County of Franklin and the
Franklin County Board of Commissioners, have filed a motion to
dismiss. They argue that the former entity is not subject to
suit and the latter cannot be held liable for plaintiff's claims
under what appears to be a *respondeat superior* theory.
Plaintiff's time for responding to the motion has passed but he
has not responded. The Court concludes that he does not oppose
the dismissal of these two parties. Therefore, it is recommended
that their motion to dismiss (#6) be granted.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation,
that party may, within ten (10) days of the date of this
Report, file and serve on all parties written objections to
those specific proposed findings or recommendations to which
objection is made, together with supporting authority for the
objection(s). A judge of this Court shall make a de novo
determination of those portions of the report or specified
proposed findings or recommendations to which objection is
made. Upon proper objections, a judge of this Court may
accept, reject, or modify, in whole or in part, the findings

or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation <u>de novo</u>, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. <u>See Thomas v. Arn</u>, 474 U.S. 140 (1985); <u>United States v. Walters</u>, 638 F.2d 947 (6th Cir. 1981).

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/s/ Terence P. Kemp
United States Magistrate Judge

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